

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: DELTA/AIRTRAN BAGGAGE
FEE ANTITRUST LITIGATION

Civil Action No.
1:09-md-2089-TCB

ALL CASES

DELTA AIR LINES, INC.'S MOTION FOR SUMMARY JUDGMENT

Delta Air Lines, Inc. (“Delta”), pursuant to Federal Rule of Civil Procedure 56, N.D. Ga. L.R. 56, and other applicable law, hereby moves for summary judgment, and requests that the Court dismiss Plaintiffs’ claims in their entirety. There are no genuine disputes of material fact in this case, and Delta is entitled to judgment as a matter of law. In support of this Motion, Delta relies upon all matters of record, including, but not limited to, the following materials, which Delta has moved, pursuant to the Court’s instructions, to be filed under seal on this date:

- (1) Delta Air Lines, Inc.’s Memorandum in Support of Its Motion for Summary Judgment;
- (2) Delta Air Lines, Inc.’s Statement of Undisputed Facts; and

- (3) Delta Air Lines, Inc.'s Appendix of Exhibits in Support of Its Motion for Summary Judgment and Exhibit Nos. 1-30, 32-34, 37, 39-42, 46, 48-49, 51-55, 57-71, 74-80, 83, 87-98, 101-117.

Delta respectfully requests that summary judgment be entered in its favor as to Plaintiffs' claims, and Plaintiffs' Consolidated Amended Complaint (Dkt. 53) be dismissed with prejudice.

Dated: August 31, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on August 31, 2012, I filed the foregoing DELTA AIR LINES, INC.'S MOTION FOR SUMMARY JUDGMENT with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following counsel of record:

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